

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RYAN SILLS,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 07-4637
	:	
v.	:	
	:	
EDUCATIONAL COMMISSION FOR	:	
FOREIGN MEDICAL GRADUATES,	:	
	:	
Defendant.	:	

**MEMORANDUM AND ORDER**

AND NOW, this 14<sup>th</sup> day of July, 2008, upon consideration of Defendant Educational Commission for Foreign Medical Graduates' Motion to Dismiss (Docket No. 17), is it is hereby ORDERED that Defendant's Motion is GRANTED and the above-captioned matter is DISMISSED for want of prosecution.

Plaintiff Ryan Sills filed the instant action on November 5, 2007, claiming that Defendant, his former employer, violated his rights under the Family and Medical Leave Act. Plaintiff, now pro se, was represented by counsel at the time of his filing. Defendant filed an Answer on January 7, 2008. On February 14, 2008, counsel for Plaintiff and Defendant attended a pre-trial conference with the court. On February 15, 2008, the court entered a scheduling order requiring all discovery to be complete by June 6, 2008, and setting a trial date of December 3, 2008.

On February 11, 2008, the parties exchanged interrogatories and requests for production. On March 11, 2008, Defendant responded to Plaintiff's discovery requests. Plaintiff failed to respond to Defendant's initial discovery requests by their due date of March 17, 2008. In April

2008, Defendant made several unsuccessful attempts to obtain discovery responses from Plaintiff.

On April 23, 2008, Plaintiff's counsel filed a petition to withdraw as attorney for Plaintiff, citing their repeated unsuccessful attempts to reach Plaintiff by mail and telephone and Plaintiff's failure to attend scheduled appointments. On May 14, 2008, the court ordered Plaintiff to appear at a hearing on June 2, 2008, to show cause as to why Plaintiff's counsel's petition to withdraw should not be granted. Plaintiff received notice of the June 2 hearing by registered mail. Plaintiff failed to appear at the June 2 hearing and did not communicate any excuse for his absence to counsel or the court. On June 2, 2008, after a hearing attended by counsel for Plaintiff and Defendant, the court granted Plaintiff's counsel's petition to withdraw, suspended for thirty (30) days all previously scheduled dates except the trial and final pre-trial conference dates, and granted Plaintiff 30 days to obtain an attorney or be deemed pro se. Also on June 2, 2008, Defendant orally moved the court to dismiss this action for failure to prosecute. On June 13, 2008, Defendant filed a written Motion to Dismiss for failure to prosecute. Plaintiff, now pro se, has filed no response.

For the aforementioned reasons, Defendant's motion to dismiss is granted and the instant matter is dismissed with prejudice.

BY THE COURT:

S/ James T. Giles

J.